



Department of the Secretary of State Bureau of Motor Vehicles

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JOINT STANDING COMMITTEE ON TRANSPORTATION

L.D. 1039 "An Act Regarding Municipal Authority over Heavy Vehicle Operation"

Testimony of Shenna Bellows, Secretary of State and
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Senator Nangle, Representative Crafts, Members of the Transportation Committee, I am here today to provide testimony in opposition to L.D. 1039 "An Act Regarding Municipal Authority over Heavy Vehicle Operation" and to provide you with information that may be useful to you.

L.D. 1039, in its current form, contradicts federal and state guidance in a handful of ways. First, Title 29-A §1253, subsection 2, directs the state and our department to remain in compliance with the Commercial Motor Vehicle Safety act of 1986. That Act, and the Code of Federal Regulations that governs commercial motor vehicle licensing, established the licensing pathways for a driver to earn the privilege of operating large, heavyweight, commercial vehicles. That set of federal guidance establishes both training and examination criteria to ensure that whoever is licensed by a state is indeed qualified to safely operate the class of vehicle. There is no federal provision to license an organization or group of unnamed individuals without properly verifying their skills and knowledge.

Additionally, Title 29-A, section 101, subsection 48, clearly articulates that an "operator means an individual who drives or is in control of a vehicle or who is exercising control over a steering a towed vehicle." Title 29-A does not envision licensing an organization to operate motor vehicles without first affirming the knowledge and skills of a specific operator. We are concerned that to deviate from this state, national and international standard would put drivers at unnecessary risk on the roads of Maine.

That said, both the Code of Federal Regulations that govern commercial driver licensing and Title 29-A, section 1252, acknowledge that certain emergency situations, to include snow removal, do warrant special consideration. 49 CFR allows states to permit a municipality to use an unlicensed, non-CDL operator to stand-in to conduct snow removal when a qualified and licensed operator is not available. Title 29-A reinforces that with more specificity, empowering Maine municipalities with under 3,000 citizens to take advantage of the same provision.

We respectfully submit that before we look to license organizations with a driving privilege, that we re-look the existing 29-A guidance in section 1252 to see how it can better serve Maine's communities.

Thank you for your time and consideration. If the committee has any questions, I'd be more than happy to answer them or conduct the appropriate research. I will be available for the work session.